

Brian Borenstein

✓

United States  
Nellisgarden District Court

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COUNSEL PARTIES OF RECORD

MAR 21 2019

CLERK US DISTRICT COURT  
DISTRICT OF NEVADA

BY:

DEPUTY

Motion for removal of unlawful  
detainer of a disabled person  
under USC, 1441, 1443, 1446.  
and the ADA act. United States  
Justice court has jurisdiction  
over a disabled person.  
Under these grounds I am  
requesting removal

Thank You

2:19-cv-00482-RFB-NJK

Brian J Borens

I hereby request a reasonable  
accomidation for the letters  
and the removal order. I  
did the best I could with  
my disability

United States District  
Court of Nevada

Nellis Garden  
#235 N Nellis Blvd

Las Vegas, Plaintiff:

89115

Brian Bornstein

Your honor, I am a disabled adult child under public law. Being a disabled person I am entitled to reasonable accommodation. Back in January I got a new dog, which I asked permission to get, which they said yes and the owner said no. At that time I requested reasonable accommodation which the owner never answered it. Since then I have been discriminated against, abused, threatened. I contacted Silver State housing authority. I filed a complaint with them because the land lord is threatening me because I have a dog.  
Service

In February Your Honor I was given an eviction notice and 30 day notice which was fake according to housing authority, and North Las Vegas justice court. Her never filed anything. Please be advised I was given the eviction notice as retaliation under the fair housing act in response to Silver State Housing Authority is aware of the situation and I filed a complaint with HUD I was told that the landlord has violated federal law under the A.D.A act and the fair housing act of a disabled person. I need to go to federal court because the state does not recognise the same law that federal does

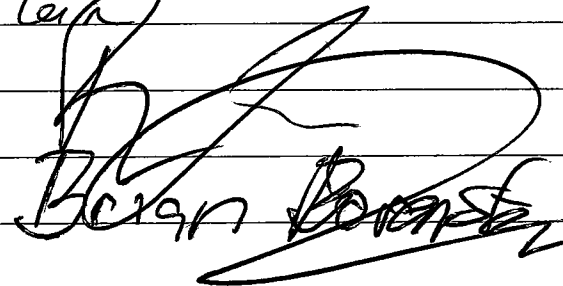
Supreme Court ruled that a person with disabilities mentally and physical of a certain criteria at a certain level. Should have sustained housing.

Relief: I am requesting relief the sum of 5 million dollars for violating my rights as a disabled person. Under federal law I am a protected person. I am also asking relief of being evicted and abused under the following sections: 1440, 1443, 1446. I am requesting the court for the court order stopping the discrimination and letting me live my as a human being. Last but not least the land lord filed a nuisance complaint for eviction violating fair housing act

4

I am currently facing  
eviction because I have  
a service dog. I hear by  
request the case be remanded  
to federal court under  
the civil rights section  
of the unlawful detainer  
of a disabled person under  
civil rights. Section 440,  
443, 446.

Thank you for your consideration  
Brian Bernstein



4255 N Nellis Blvd  
Las Vegas NV  
89115

**FIVE-DAY NOTICE****ANSWER**TO: BRIAN BORENSTEIN ET AL*Tenant(s) Name(s)*4255 N NELLIS BLVD # 1008*Address*LAS VEGAS, NV 89115*City, State, Zip Code*FR: RDENS APARTMENTS*Landlord's Name*4255 N NELLIS BLVD.*Address*LAS VEGAS, NV 89115*City, State, Zip Code*(702) 644-7772*Telephone Number***YOU ARE GUILTY OF AN UNLAWFUL DETAINER. YOU ARE REQUIRED TO QUIT THE PREMISES.**

YOU MAY CONTEST THIS NOTICE by filing an Affidavit (or Answer), no later than the fifth full judicial day<sup>1</sup> following the Date of Service of this notice, with the Justice Court for the Township of *(insert name of township where property is located)* North Las Vegas ☒, stating that you are not guilty of an unlawful detainer.

The Justice Court is located at *(insert Justice Court's address)*:

North Las Vegas Justice Court, 2428 N. Martin Luther King Blvd., A, North Las Vegas, NV ☒

YOU CAN OBTAIN AN AFFIDAVIT/ANSWER FORM AND INFORMATION at the Civil Law Self-Help Center, located at the Regional Justice Center in downtown Las Vegas, or on its website, [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org).

If the court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for your nonadmittance, directing the sheriff or constable to remove you within twenty-four (24) hours after receipt of the order. You may request that the court stay the execution of the order for removal or nonadmittance for a period of no more than 10 days by stating the reasons why a stay is warranted.

Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises, or excludes you by blocking or attempting to block your entry upon the premises, or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of the Nevada Revised Statutes.

**DECLARATION OF SERVICE**

On *(insert date of service)* \_\_\_\_\_, I served this notice in the following manner *(check only one)*:

- ☐ By delivering a copy to the tenant(s) personally, in the presence of a witness *(server, witness, and tenant must all sign landlord's copy of notice unless service is accomplished by the sheriff, constable, or a person who is licensed as a process server pursuant to chapter 648 of NRS, then a witness is not required)*;

*(Date)**(Type or print name of witness)**(Signature of witness)**(Tenant's signature)*


— OR —

- ☐ Because the tenant(s) was absent from tenant's place of residence or from tenant's usual place of business, by leaving a copy with *(insert name)* \_\_\_\_\_, a person of suitable age and discretion, at either place AND mailing<sup>2</sup> a copy to the tenant(s) at tenant's place of residence or place of business;

— OR —

- ☒ Because tenant's place of residence or business could not be ascertained, or a person of suitable age or discretion could not be found there, by posting a copy in a conspicuous place on the property, delivering a copy to a person there residing, if the person could be found, AND mailing<sup>2</sup> a copy to the tenant(s) at the place where the property is situated.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

03/07/2019*(Date)*ALONA DELA CERNA*(Type or print server's name)*  
*(Server's signature)*

<sup>1</sup> Judicial days do not include the date of service, weekends, or certain legal holidays.

<sup>2</sup> If this manner of service is used, Landlord must file with the court a confirmation of delivery or "certificate of mailing" issued by the United States Post Office or confirmation of actual delivery by a private postal service per NRS 40.280(5)(a)(2).

# **THREE-DAY NOTICE TO QUIT FOR NUISANCE, WASTE, ASSIGNING/SUBLETTING, UNLAWFUL BUSINESS, OR DRUG VIOLATION**

(NRS 40.2514)

TO: BRIAN BORENSTEIN ET AL  
*Tenant(s) Name(s)*  
 4255 N NELLIS BLVD # 1008  
*Address*  
 LAS VEGAS, NV 89115  
*City, State, Zip Code*

FROM: NELLIS GARDENS APARTMENTS  
*Landlord's Name*  
 4255 N NELLIS BLVD  
*Address*  
 LAS VEGAS, NV 89115  
*City, State, Zip Code*  
 (702) 644-7772  
*Telephone Number*

Date of Service: 03/01/2019

PLEASE TAKE NOTICE that you are hereby required to vacate the premises within three (3) judicial days<sup>1</sup> after the Date of Service of this notice for the following reasons(s) (check all that apply):

- ☐ Assigning or subletting the premises contrary to the covenants of the lease;
- ☒ Committing or permitting waste on the property;
- ☐ Setting up or carrying on any unlawful business in or on the property;
- ☒ Suffering, permitting, or maintaining a nuisance on or about the premises consisting of conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures;
- ☐ Violating any of the controlled substance laws in NRS 453.011 to 453.552, inclusive, except NRS 453.336, in or on the property.

This notice is based upon the following facts (describe in detail the facts and circumstances relating to each box checked above, including names, dates, locations, etc.; attach additional pages if necessary): 2-7-19 Taznie Sumlin - gave a letter re his dog keeps barking all night and very aggressive, he also keeps standing in front of her porch asking food, she said she can't deal with it anymore  
 2-8-19 Judith Foxworth - complaining about the dog too barking all day and night and she is also afraid of walking out of her apt because of the dog's nature of aggressiveness towards other dogs or persons (attached another page)

If you do not comply with this notice, your possession of the premises will be unlawful (called "unlawful detainer"), and your landlord may initiate an eviction against you by either serving you with a Five-Day Notice to Quit for Unlawful Detainer or a Summons and Complaint for Unlawful Detainer. If the court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for your nonadmittance, directing the sheriff or constable to remove you within twenty-four (24) hours after receipt of the order. Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises, or excludes you by blocking or attempting to block your entry upon the premises, or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

**YOU CAN OBTAIN INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES at the Civil Law Self-Help Center at the Regional Justice Center, downtown Las Vegas, or online at [www.CivilLawSelfHelpCenter.org](http://www.CivilLawSelfHelpCenter.org).**

## **DECLARATION OF SERVICE**

On (insert date of service) \_\_\_\_\_, I served this notice in the following manner (check only one):

- ☐ By delivering a copy to the tenant(s) personally, in the presence of a witness (server, witness, and tenant must all sign landlord's copy of notice);

\_\_\_\_\_  
 (Date) (Type or print name of witness) (Signature of Witness)

(Tenant's signature)

—OR—

- ☐ Because the tenant(s) was absent from tenant's place of residence or from tenant's usual place of business, by leaving a copy with (insert name) \_\_\_\_\_, a person of suitable age and discretion, at either place AND mailing<sup>2</sup> a copy to the tenant(s) at tenant's place of residence or place of business;

—OR—

- ☒ Because tenant's place of residence or business could not be ascertained, or a person of suitable age or discretion could not be found there, by posting a copy in a conspicuous place on the property, delivering a copy to a person there residing, if the person could be found, AND mailing<sup>2</sup> a copy to the tenant(s) at the place where the property is situated.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

03/01/2019  
 (Date)

ALONA DELACERNA  
 (Type or print server's name)

(Server's signature)

<sup>1</sup> Judicial days do not include the date of service, weekends, or certain legal holidays.

<sup>2</sup> If this manner of service is used, Landlord must file with the court a "certificate of mailing" issued by the United States Post Office per NRS 40.280(3).

JUSTICE COURT, TOWNSHIP OF N. Las Vegas  
CLARK COUNTY, NEVADA

Landlord's  
Name:

Nellis Gardens Apts

Landlord,

vs.

Tenant's  
Name:

Brian Bornstein

Address:

4255 N. Nellis Blvd #1008

City, State, Zip:

Las Vegas, NV 89115

Phone:

E-Mail:

Tenant.

Case No.:

Dept No.:

TENANT'S AFFIDAVIT/ANSWER IN  
OPPOSITION TO SUMMARY  
EVICTION

☐ Nuisance/Waste/Assigning/Subletting/Unlawful

Business/Controlled Substance Violation

☐ Perform Lease Condition

☐ Tenancy-At-Will

☐ No Cause

Tenant, appearing in proper person, contests this matter pursuant to NRS 40.254 and states as follows:

1. I am the tenant of the rental unit located at (insert complete address of rental unit, including city, state and zip): 4255 N. Nellis Blvd #1008 LV NV 89115

2. My rent (check one box) ☐ is ☒ is not subsidized by a public housing authority or governmental agency.

**(Complete Section 3 ONLY if you received a Three-Day Notice to Quit for Nuisance/Waste/Etc.)**

☒ 3. I received a three-day notice pursuant to NRS 40.2514. I disagree with this notice for the following reasons (check all that apply and provide your written explanation at end of this section):

☐ The acts Landlord describes in the notice do not meet the legal definition of "nuisance."<sup>1</sup>

☐ Landlord's notice did not comply with Nevada law because (check all that apply):

☐ One or more of the notices was not served on me as required by NRS 40.280;

☐ The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;

☐ The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;

☐ The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.

☒ Other defense (explain below).

(State the facts and circumstances that support the defenses you checked above:)

All the allegations are false! Please Dismiss the eviction. He is a Service dog. I don't want to get evicted.

☐ Check if attaching continuation pages

<sup>1</sup> NRS 40.2514(4) defines "nuisance" as "conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures" or violation of the controlled substance laws in NRS 453.011 to 453.552.

**(Complete Section 4 ONLY if you received a Five-Day Notice to Perform Lease Condition or Quit.)**

☐ 4. I received a five-day notice stating that I violated my lease agreement. I disagree with this notice for the following reasons *(check all that apply and provide your written explanation at end of this section)*:

☐ The conduct Landlord alleges does not violate any term of my lease agreement.

☐ I fixed (or "cured") the alleged violation of my lease agreement within five days after Landlord's notice to me.

☐ Landlord's notices did not comply with Nevada law because *(check all that apply)*:

☐ One or more of the notices was not served on me as required by NRS 40.280;

☐ The Notice to Perform Lease Condition or Quit did not specifically identify the relevant lease provisions, the alleged violations, and what I needed to do to save the lease;

☐ The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;

☐ The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;

☐ The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.

☐ Other defense *(explain below)*.

*(State the facts and circumstances that support the defenses you checked above:)*

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☐ Check if attaching continuation pages

**(Complete Section 5 ONLY if you received a Seven-Day or Thirty-Day "No Cause" Notice to Quit.)**

☐ 5. I received a seven-day or thirty-day notice to vacate my rental premises. I disagree with the notice for the following reasons *(check all that apply and provide your written explanation at end of this section)*:

☐ My lease agreement has not expired and will not expire until *(insert date)* \_\_\_\_\_.

☐ My lease agreement has expired, but Landlord renewed my tenancy by accepting rent for a new rental period and/or entering into a new lease agreement.

☐ I received a thirty-day notice to quit and am 60 years of age or older or have a physical or mental disability. I gave Landlord a written request (along with proof of my age or disability) on *(insert date)* \_\_\_\_\_, asking to continue in possession for an additional 30 days.

Landlord *(check one)* ☐ approved my request on *(insert date)* \_\_\_\_\_, or

☐ rejected my request,<sup>2</sup> or ☐ has not responded to my request.

<sup>2</sup> If Landlord rejected your written request, NRS 40.251(4) allows you to file a petition with the court asking for the additional 30 days.

- ☐ Landlord's notices did not comply with Nevada law because *(check all that apply)*:
- ☐ One or more of the notices were not served on me as required by NRS 40.280;
- ☐ The thirty-day notice did not notify me of my right to request to be allowed to continue in possession for an additional 30 days as required by NRS 40.251(3).
- ☐ The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;
- ☐ The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;
- ☐ The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.
- ☐ Other defense *(explain below)*.

*(State the facts and circumstances that support the defenses you checked above:)*

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☐ Check if attaching continuation pages

**(Complete Section 6 ONLY if you received a Five-Day Tenancy-At-Will Notice to Quit.)**

- ☐ 6. I received a five-day notice to vacate my rental premises. I disagree with the notice for the following reasons *(check all that apply and provide your written explanation at end of this section)*:

☐ I am not a tenant-at-will because I pay rent to the Landlord in the amount of *(insert amount of rent)* \_\_\_\_\_ per *(check one)* ☐ month, ☐ week, or ☐ other *(specify)* \_\_\_\_\_.

☐ I am not a tenant-at-will because I have an agreement with my Landlord regarding the length of my tenancy *(explain the agreement at the end of this section)*:

- ☐ Landlord's notices did not comply with Nevada law because *(check all that apply)*:
- ☐ One or more of the notices were not served on me as required by NRS 40.280;
- ☐ The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;
- ☐ The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;
- ☐ The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.
- ☐ Other defense *(explain below)*.

*(State the facts and circumstances that support the defenses you checked above:)*

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☐ Check if attaching continuation pages

*(The following sections may apply regardless of why you are being evicted. Select all that apply.)*

- ☐ 7. This action is brought in violation of the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing (*explain below*).
- ☐ 8. This action is brought in violation of NRS 118A.510, which prohibits a landlord from terminating a tenancy in retaliation for a tenant having engaged in certain protected acts (*explain below*).
- ☐ 9. I am a tenant on property that has been foreclosed upon and sold. The new owner (*check all that apply*):
- ☐ Failed to serve me with the notice of change of ownership required by NRS 40.255(2);
  - ☐ Is violating NRS 40.255 by failing or refusing to grant me an additional 60 days on the property;
  - ☐ Is attempting to use the summary eviction procedure in violation of NRS 40.255(1), which requires the new owner to use the formal unlawful detainer procedure under NRS 40.290 to 40.420.
- ☐ 10. Other defense (*explain below*).
- ☐ 11. Pursuant to NRS 70.010 and JCRCPC 110, I ask the Court to delay ("stay") enforcement of any summary eviction order for (*insert number of days, up to 10*) \_\_\_\_\_ for the following reasons (*explain below*).

*(State the facts and circumstances that support the defenses you checked above.)*

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☐ Check if attaching continuation pages

THEREFORE, I request that Landlord take nothing requested in Landlord's Affidavit/Complaint.

Per NRS 40.253(6), after Tenant has filed a timely answer and Landlord has filed a complaint, the court will hold a hearing "after service of notice of the hearing on the parties." I understand I will receive notice of my hearing by regular U.S. Mail.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Signature)

**CERTIFICATE OF SERVICE**

I CERTIFY that on *(insert date document served)* \_\_\_\_\_, I served  
**TENANT'S AFFIDAVIT/ANSWER IN OPPOSITION TO SUMMARY EVICTION**, pursuant to JCRCP 5(b),  
 by the following method *(check one box)*:

- ☐ Depositing a copy in the United States Mail in Las Vegas, Nevada, postage prepaid, to the address listed below *(on lines below insert name and mailing address of Landlord's attorney, or Landlord directly if Landlord has no attorney)*.
- ☐ Delivering, by hand delivery, a copy to the address listed below and leaving it (i) with Landlord; (ii) at the office of Landlord with a person in charge or in a conspicuous place; or (iii) at the dwelling house of Landlord with a person of suitable age and discretion residing therein *(on lines below insert name and mailing address of Landlord, Landlord's agent or attorney, or person of suitable age and discretion, as applicable)*.

Nellis Gardens Apts.  
4055 N. Nellis Blvd  
Las Vegas, NV 89115  
(702) 644-7772

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Type or Print Name)*

\_\_\_\_\_  
*(Signature)*



**Justice Court**  
**North Las Vegas Township**

**19EN000790**

2428 N Martin Luther King Blvd  
North Las Vegas NV 89032-3700  
<http://www.clarkcountynv.com>  
Civil: (702) 488-7801 • Criminal: (702) 488-7802 • Traffic: (702) 488-7801

**FIVE-DAY NOTICE**79EN060790  
NER

TO: BRIAN BORENSTEIN ET AL

Tenant(s) Name(s)

4255 N NELLIS BLVD # 1008

Address

LAS VEGAS, NV 89115

City, State, Zip Code

FR

RDENS APARTMENTS

Landlord's Name

4255 N NELLIS BLVD.

Address

LAS VEGAS, NV 89115

City, State, Zip Code

(702) 644-7772

Telephone Number

**YOU ARE GUILTY OF AN UNLAWFUL DETAINER. YOU ARE REQUIRED TO QUIT THE PREMISES.**

YOU MAY CONTEST THIS NOTICE by filing an Affidavit (or Answer), no later than the fifth full judicial day<sup>1</sup> following the Date of Service of this notice, with the Justice Court for the Township of (insert name of township where property is located) North Las Vegas ☒, stating that you are not guilty of an unlawful detainer.

The Justice Court is located at (insert Justice Court's address):

North Las Vegas Justice Court, 2428 N. Martin Luther King Blvd., A, North Las Vegas, NV ☒

YOU CAN OBTAIN AN AFFIDAVIT/ANSWER FORM AND INFORMATION at the Civil Law Self-Help Center, located at the Regional Justice Center in downtown Las Vegas, or on its website, [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org).

If the court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for your nonadmittance, directing the sheriff or constable to remove you within twenty-four (24) hours after receipt of the order. You may request that the court stay the execution of the order for removal or nonadmittance for a period of no more than 10 days by stating the reasons why a stay is warranted.

Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises, or excludes you by blocking or attempting to block your entry upon the premises, or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of the Nevada Revised Statutes

**DECLARATION OF SERVICE**

On (insert date of service) \_\_\_\_\_, I served this notice in the following manner (check only one):

- ☐ By delivering a copy to the tenant(s) personally, in the presence of a witness (server, witness, and tenant must all sign landlord's copy of notice unless service is accomplished by the sheriff, constable, or a person who is licensed as a process server pursuant to chapter 648 of NRS, then a witness is not required);

\_\_\_\_\_  
(Date) (Type or print name of witness) (Signature of witness)

(Tenant's signature)

— OR —

- ☐ Because the tenant(s) was absent from tenant's place of residence or from tenant's usual place of business, by leaving a copy with (insert name) \_\_\_\_\_, a person of suitable age and discretion, at either place AND mailing<sup>2</sup> a copy to the tenant(s) at tenant's place of residence or place of business;

— OR —

- ☒ Because tenant's place of residence or business could not be ascertained, or a person of suitable age or discretion could not be found there, by posting a copy in a conspicuous place on the property, delivering a copy to a person there residing, if the person could be found, AND mailing<sup>2</sup> a copy to the tenant(s) at the place where the property is situated.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

03/07/2019

(Date)

ALONA DELA CERNA

(Type or print server's name)

(Server's signature)

<sup>1</sup> Judicial days do not include the date of service, weekends, or certain legal holidays.

<sup>2</sup> If this manner of service is used, Landlord must file with the court a confirmation of delivery or "certificate of mailing" issued by the United States Post Office or confirmation of actual delivery by a private postal service per NRS 40.250(5)(a)(2).



## Luxury Apartments

02-05-2019

Apt: 1008

**Re: 30 Day Notice to Vacate.**

You are hereby notified that effective today this 30 day notice has been served to you, the periodic tenancy by you hold possession of the premises is terminated, at which time you are requested to be out by March 4<sup>th</sup> 2019. If you fail to do so, legal proceeding will be instituted against to you.

If you have any questions please feel free to contact us.

*Jermel Dixon*  
Owner

Nellis Gardens Apartments



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-2000

June 12, 2006

OFFICE OF FAIR HOUSING  
AND EQUAL OPPORTUNITY

MEMORANDUM FOR: FHEO Regional Directors  
FROM: Bryan Greene, Deputy Assistant Secretary for Enforcement and Programs, ED  
SUBJECT: Insurance Policy Restrictions as a Defense for Refusals to Make a Reasonable Accommodation

This memorandum responds to requests for guidance on how HUD investigators should examine Fair Housing Act "reasonable accommodation" cases where a housing provider cites an insurance policy restriction in denying a request from a person with a disability to reside in a dwelling with an assistance animal that is of a breed of dog that the landlord's insurance carrier considers dangerous. In the referenced cases, the housing providers stated that their insurance carriers will either refuse to cover their properties, substantially increase the cost of coverage, or adversely change the terms of their policies if these animals are allowed to occupy dwellings.

As with any request for a reasonable accommodation, the request should be evaluated on a case-by-case basis. HUD provides the following guidance to assist in that evaluation.

According to the *Joint Statement on Reasonable Accommodations*, an accommodation is unreasonable if it imposes an undue financial and administrative burden on a housing provider's operations. If a housing provider's insurance carrier would cancel, substantially increase the costs of the insurance policy, or adversely change the policy terms because of the presence of a certain breed of dog or a certain animal, HUD will find that this imposes an undue financial and administrative burden on the housing provider. However, the investigator must substantiate the housing provider's claim regarding the potential loss of or adverse change to the insurance coverage, by verifying such a claim with the insurance company directly and considering whether comparable insurance, without the restriction, is available in the market. If the investigator finds evidence that an insurance provider has a policy of refusing to insure any housing that has animals, without exception for assistance animals, it may refer that information to the Department of Justice for investigation to determine whether the insurance provider has violated federal civil rights laws prohibiting discrimination based upon disability.